

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**STAFF REPORT FOR REGULAR MEETING OF MARCH 20, 2009**

Final Prepared on February XXXX, 2009

**ITEM NUMBER:**      **XX**

**SUBJECT:**            **Amending the Water Quality Control Plan for the Central Coast Basin to Adopt Total Maximum Daily Loads for Fecal Coliform in the Pajaro River Watershed and Adopt two Discharge Prohibitions, one for Human Fecal Material, and the other for Domestic Animal Waste.**

**KEY INFORMATION**

This item recommends adoption of proposed Total Maximum Daily Loads (TMDLs) for fecal coliform in the Pajaro River Watershed, including the Pajaro River, San Benito River, Llagas Creek, Tequisquita Slough, San Juan Creek, Carnadero/Uvas Creek, Bird Creek, Pescadero Creek, Tres Pinos Creek, Furlong (Jones) Creek, Santa Ana Creek, and Pachecho Creek.

This item also recommends adoption of two prohibitions; the Domestic Animal Waste Discharge Prohibition and the Human Fecal Material Discharge Prohibition. The Pajaro River Watershed would be subject to these two prohibitions. Staff is proposing that these two prohibitions be used to require implementation actions for some of the fecal coliform sources identified in the Pajaro River watershed.

The Pajaro River Watershed encompasses approximately 1,263 square miles of Santa Cruz, Santa Clara, San Benito, and Monterey Counties. The watershed is almost 90 miles in length and varies from 7 to 20 miles in width. The Pajaro River watershed drains into the Pacific Ocean at Monterey Bay.

These TMDLs establish allocations for fecal coliform to protect the water contact recreation beneficial use in Pajaro River Watershed. Central Coast Water Board staff (staff) has identified sources of fecal coliform that are causing or contributing to impairment, has identified parties responsible for these sources, has proposed waste load and load allocations necessary to achieve the TMDLs, and has identified implementation and regulatory mechanisms to achieve the TMDLs. The proposed allocations are equal to existing water quality objectives for fecal coliform protective of the water contact recreation beneficial use.

**SUMMARY**

Pajaro River, San Benito River, Llagas Creek, and Tequisquita Slough were placed on the Clean Water Act section 303(d) list of impaired waters in 1994. These waters were listed as impaired due to fecal coliform. Staff investigated the impairment of other waterbodies within the Pajaro River Watershed and concluded that San Juan Creek, Carnadero/Uvas Creek, Bird Creek, Pescadero Creek, Tres Pinos Creek, Furlong (Jones) Creek, Santa Ana Creek, and Pachecho Creek are also impaired.

In this item, staff recommends the Central Coast Water Board adopt the fecal coliform TMDLs and an Implementation Plan to restore the water-contact recreation beneficial use to Pajaro River, San Benito River, Llagas Creek, Tequisquita Slough, San Juan Creek, Carnadero/Uvas Creek, Bird Creek, Pescadero Creek, Tres Pinos Creek, Furlong (Jones) Creek, Santa Ana Creek, and Pachecho Creek.

This staff report summarizes the TMDL elements. The attachments support summary statements made in this staff report. The technical report that supports the Basin Plan Amendment is the Project Report for the TMDLs. The Project Report (listed as Attachment 2 to this staff report) is available at the Central Coast Water Board website at [http://www.waterboards.ca.gov/centralcoast/board\\_info/agendas/2009/2009\\_agendas.shtml](http://www.waterboards.ca.gov/centralcoast/board_info/agendas/2009/2009_agendas.shtml). Click on "view agenda" for March 20, 2009; then click on Item XX, TMDLs for Fecal Coliform in Pajaro River Watershed. Staff did not include the document in the staff report to save paper. Paper copies are available upon request.

Staff recommends that the Central Coast Water Board use existing waste discharge requirements and National Pollutant Discharge Elimination System (NPDES) permits for sanitary sewer collection and treatment systems, the NPDES General Permit for stormwater discharges, and the Human Waste Discharge Prohibition and Domestic Animal Waste Discharge proposed for approval at today's meeting in Item XX (Resolution No. R3-2009-0008), as the implementation mechanisms to achieve the TMDLs.

Central Coast Water Board staff concluded approval of these TMDLs and addition of the Pajaro River watershed as a watershed subject to compliance with the discharge prohibitions will result in reduction of fecal coliform loading to impaired waterbodies in the watershed, resulting in improved water quality and prevention of future fecal coliform loading.

## **DICUSSION**

### **Project Development for TMDLs**

Staff used water quality data collected by the Central Coast Ambient Monitoring Program (CCAMP) and by Water Board staff to assess fecal coliform conditions in surface waters. Staff also used discharger data and reports, land use data, field reconnaissance work, and conversations with Water Board staff and staff from other agencies to complete the source analysis.

### **Problem Statement and Numeric Target**

The Basin Plan contains fecal coliform water quality objectives to protect water contact recreation. Current levels of fecal coliform are not supportive of the water contact recreation beneficial use in Pajaro River, San Benito River, Llagas Creek, Tequisquita Slough, San Juan Creek, Carnadero/Uvas Creek, Bird Creek, Pescadero Creek, Tres Pinos Creek, Furlong (Jones) Creek, Santa Ana Creek, and Pachecho Creek.

The numeric target for the TMDLs is equal to the water quality objectives protecting water contact recreation, which are:

"Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 MPN per 100 mL, nor shall more than 10 percent of samples collected during any 30-day period exceed 400 MPN per 100 mL."

**Source Analysis**

The relative order of controllable sources contributing fecal coliform to Pajaro River Watershed (from largest to smallest source) is: (1) storm drain discharges to municipally owned and operated storm sewer systems required to be covered by an NPDES permit (MS4s), (2) domestic animal waste in areas that do not drain to MS4s, (3) municipal sanitary sewer collection and treatment system spills and leaks, and (4) private sewer laterals that connect to municipal sanitary sewer system collection and treatment systems.

**TMDLs and Allocations**

The TMDLs and allocations for fecal coliform in Pajaro River, San Benito River, Llagas Creek, Tequisquita Slough, San Juan Creek, Carnadero/Uvas Creek, Bird Creek, Pescadero Creek, Tres Pinos Creek, Furlong (Jones) Creek, Santa Ana Creek, and Pachecho Creek are equal to the Basin Plan water quality objectives for fecal coliform.

The responsible parties for controllable sources are the counties of Santa Cruz, Santa Clara, and Monterey and the cities of Hollister, Morgan Hill, Gilroy, and Watsonville (storm drain discharges to municipally owned and operated storm sewer systems required to be covered by an NPDES permit); owners of land used for/containing domestic animals; City of Hollister, City of Watsonville, Cities of Gilroy and Morgan Hill via South County Regional Wastewater Authority (SCRWA), San Juan Bautista, Sunnyslope County Water District, Tres Pinos County Water District, and Pajaro County Sanitation District (Sanitary Sewer Collection and Treatment Systems Spills and Leaks); and, owners of private sewer laterals. Each responsible party is assigned the same allocation and the allocation is equal to the Basin Plan water quality objectives for fecal coliform.

Responsible parties that must comply with the Human Fecal Material Discharge Prohibition are assigned a waste load allocation of zero; no discharge. Natural sources are also assigned an equal allocation.

The parties responsible for the allocation to controllable sources are not responsible for the allocation to natural sources. Table IX – M – 1 in the Resolution, contained within Attachment 1, shows these allocations to the responsible parties.

**Implementation Plan**

The proposed Implementation Plan, described in Attachment 1 and Attachment 2, outlines the responsibilities of each responsible party and the steps the Central Coast Water Board or the Executive Officer will take to require actions by the responsible parties.

Central Coast Water Board staff developed an implementation strategy (Plan) to implement these TMDLs that reflects our current understanding of fecal coliform loading in the Pajaro River Watershed. The Plan establishes that the Executive Officer will require responsible parties to implement identified actions that will reduce fecal coliform loading, monitor fecal coliform source reductions, and report progress and results of monitoring to the Central Coast Water Board pursuant to an NPDES permit, Waste Discharge Requirements, or demonstration of compliance with discharge prohibitions.

The Implementation Plan explains that if natural sources are found to cause the impairment, and/or if responsible parties demonstrate that controllable sources of fecal coliform are not contributing to the exceedance of water quality objectives in receiving waters, staff will re-evaluate the TMDL, targets and allocations and propose revisions to the Central Coast Water

Board. For example, staff may propose a site-specific objective for Pajaro River Watershed waters. A site-specific objective would be proposed as a Basin Plan Amendment through the appropriate adoption and public review procedures required by the Central Coast Water Board, State Water Resources Control Board, and United States Environmental Protection Agency.

### **Monitoring Plan**

The Implementation Plan establishes that the Executive Officer will require responsible parties to monitor fecal coliform source reductions, and report progress and results of monitoring to the Central Coast Water Board. Central Coast Water Board staff developed a recommended set of locations and will work with responsible parties to establish on-going monitoring at these locations. Responsible parties will conduct the monitoring and submit results to the Central Coast Water Board. Staff will evaluate the monitoring data on an on-going basis, as well as during three year assessments to determine progress towards achieving the allocations and TMDLs. The implementation plan also requires implementing parties to evaluate and report their progress towards achieving their allocations.

### **Time-Schedule For Tracking Progress and Achieving the TMDLs**

The target date to achieve the TMDLs is 13 years after the effective date of the TMDLs which is the date of approval by the California Office of Administrative Law.

## **ENVIRONMENTAL SUMMARY**

The California Resources Agency has certified the basin planning process in accordance with section 21080.5 of the Public Resources Code. The process is therefore exempt from Chapter 3 of the California Environmental Quality Act (CEQA). The analysis contained in the Final Project Report (Attachment 2), the CEQA Substitute Environmental Document (Attachment 3, this staff report), and the responses to comments complies with the requirements of the State Water Board's certified regulatory CEQA process, as set forth in California Code of Regulations, Title 23, section 3775 et seq. Furthermore, the analysis fulfills the Central Coast Water Board's obligations attendant with the adoption of regulations "requiring the installation of pollution control equipment, or a performance standard or treatment requirement," as set forth in section 21159 of the Public Resources Code. All public comments were considered.

## **ANTI-DEGRADATION**

This order is consistent with the provisions of the State Water Resources Control Board Resolution No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California" and 40 CFR 131.12. The TMDLs will result in improved water quality throughout the Watershed and maintenance of the level of water quality necessary to protect existing and anticipated beneficial uses.

## **SCIENTIFIC PEER REVIEW**

The Peer reviewer provided comments to staff on August 10, 2008. Staff prepared responses and revised the TMDL report in response to these comments in August 2008, prior to distributing for Public Comments. Peer Review comments and staff responses are included in Attachment 5.

## PUBLIC INVOLVEMENT

Staff conducted a California Environmental Quality Act (CEQA) stakeholder scoping meeting on June 20, 2007 which presented the Phase 4 Preliminary Project Report. At this meeting, staff announced that staff would accept (1) verbal comments at the public workshop and (2) written comments. Staff also told stakeholders that written responses to individual comments submitted during the formal public comment period would be prepared. Staff responded to comments by making changes, where appropriate, to draft documents subsequent to this meeting.

Staff held phone meetings and communicated via e-mail with key personnel from health agencies and Farm Bureaus from the Counties of Santa Clara, San Benito, Santa Cruz, and Monterey, and other stakeholders and individuals from water quality associated entities including ranching and farming organizations, septic system installation, and sewer collection system facilities.

Staff held an informational project status meeting with interested parties in Gilroy on October 15, 2008 and discussed the status of the project and answered questions from attendees.

This Staff Report, Resolution, and other attachments were made available for formal public comment associated with this Central Coast Water Board Hearing on March 20, 2009. Comments were received by: January XX, 2009.

Public comments and staff responses are included in Attachment 7 to this Staff Report.

## RECOMMENDATION

Adopt Resolution No. R3-2009-0008 contained in Attachment 1, as proposed to amend the Basin Plan to Adopt Total Maximum Daily Loads for Fecal Coliform in the Pajaro River Watershed, and Adopt two Discharge Prohibitions; one for Human Fecal Material, and the other for Domestic Animal Waste Adopt

## ATTACHMENTS:

The attachments are available at:

<http://www.waterboards.ca.gov/centralcoast/Board/Meetings/200Xmeetings.htm>. Click on "view agenda" for March 20, 2009; then click on Item XX, TMDLs for Fecal Coliform in Pajaro River Watershed

1. Resolution No. R3-2009-0008,
2. Final Project Report: "Total Maximum Daily Loads for Fecal Coliform in Pajaro River Watershed Including, San Benito River, Llagas Creek, and Tequisquita Slough, Including San Juan Creek, Carnadero/Uvas Creek, Bird Creek, Pescadero Creek, Tres Pinos Creek, Furlong (Jones) Creek, Santa Ana Creek, and Pachecho Creek, in Santa Cruz, Santa Clara, San Benito, and Monterey Counties, California, For the March XX, 200x Water Board Meeting.
3. CEQA Substitute Document
4. Notice of Public Hearing / Notice of Filing
5. Scientific Peer Review Comment
6. Public Comment and Staff Response

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